

REMARKS

This Amendment is filed within two months of the mailing date of the final Office Action, taking into consideration the Examiner Interview conducted on May 27, 2010.

Status of Claims

Patent claims 1-51 of this reissue application have been cancelled.

Previously added claims 52-66, 68-74, 76-78, 85-93, 95-108 and 110-144 have been cancelled.

Previously added claims 67, 75, 79, 84, 94, 109 and 145-156 are pending.

Previously added pending independent claims 67, 75, 79, 84, 109, 145 and 154-155 are further amended by this amendment as discussed below. No new matter has been added.

Rejections under 35 USC 102(e) and 103(a)

The Office Action rejected all pending claims variously under both 35 USC 102(e) and 103(a) over Cozza (US Patent No. 5,502,815) and Arnold (5,440,823).

The rejected independent claims are 67, 75, 79, 84, 109, 145 and 154-155. Independent claim 67 is amended to emphasize:

67. (five times amended) An apparatus, comprising:

    a virus scanner adapted to scan a file stored in a storage device for infection with a virus;

    a quarantining device adapted to quarantine the file from non-infected files on the storage device, when the file is infected; and

    a converting device adapted to prohibit use of the infected file based upon converting the infected file into encoded data by executing an encoding process for security that converts the infected file into another-encoded data,

thereby the infected file is deleted and the encoded data is stored in another storage area different from a storage area in which the infected file was stored.

Cozza discusses storing initial state information about a file in a cache of a non-volatile storage medium. Later, when the file is subsequently scanned, the current state information is compared with the initial state information and if they differ, the file is then scanned for viruses. Cozza has not been shown to disclose either expressly or implicitly converting for security the infected file into encoded data, which provides a benefit of prohibiting use of an infected file.

In addition, Arnold's relied upon column 1, lines 45-63 discuss converting the binary machine code into assembler code, which has a different objective than an embodiment of the present invention, namely Arnold's conversion is for purpose of generating a signature to detect a virus, but not for prohibiting use. In addition, Arnold column 6, lines 3-7 and 22-24 discuss use of decoy programs for detecting a virus, where the decoy programs are stored securely in encrypted form. In contrast to Arnold, amended claim 67 emphasizes that an infected file is prohibited from use based upon an encoding process *for security*, namely the language of amended claim 67 recites "prohibit use of *the infected file* ... based upon executing *an encoding process for security* ...," which differs from Arnold.

In addition, the language of amended claim 67 emphasizes "thereby the infected file is deleted and the encoded data is stored in another storage area different from a storage area in which the infected file was stored." A benefit is that use of the infected file is prohibited via an encoded, quarantined and deleted infected file, which is patentably distinguishing over Arnold and Cozza.

For example, the reissue patent specification column 15, lines 9-11, column 20, lines 51-61, FIG. 22 (e.g., S224) and column 19, lines 48-54 provide support.

Withdrawal of the rejection of claim 67 and allowance of claim 67 is requested.

Amended independent claims 75, 79, 84, 109, 145 and 154-155 emphasize limitations similar to the discussed limitations of amended claim 67 in addition to other patentably distinguishing features recited therein.

The dependent claims recite their own patentably distinguishing features and inherit the recitations of their respective base claims.

Withdrawal of the rejections and allowance of the claims is requested.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance.

If there are any matters remaining after this response, Applicants respectfully request the Examiner to telephone the undersigned to attend to these matters to expedite prosecution.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,  
STAAS & HALSEY LLP

/Mehdi D. Sheikerz/

Date: June 14, 2010

By: \_\_\_\_\_

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